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## **Chapter 12. General Taxation\***

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Constitution references--General powers of city to levy taxes for public purposes, Art. VII, § 21; taxation by cities and villages, § 7.1 et seq.  
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### **Sec. 12.1. Power to tax.**

In order to carry out the purposes, powers, and duties of the city government, established by this charter, the city may assess, levy and collect taxes, rents, tolls, and excise or specific taxes. State law reference(s)--Charter to provide for taxation, M.S.A., § 5.2073(f).

### **Sec. 12.2. Subjects of taxation.**

The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law. Except as otherwise provided by this charter, city taxes shall be levied, collected and returned in the manner provided by state law. State law reference(s)--Charter to provide for tax levy, collection and return procedure, M.S.A., § 5.2073(i).

### **Sec. 12.3. Exemptions.**

No exemptions for taxation shall be allowed, except such as are expressly required or permitted to be made by state law. In the case of exemptions made to persons who, in the opinion of the Assessor and Board of Review, by reason of poverty, are unable to contribute towards the public charges, the Assessor or Board of Review shall require, as a condition to the grant of exemption, a trust deed or assignment to the city of all or any part of the real or personal property or insurance of the beneficiary of such exemption. Such trust deed or assignment shall be in such form as to be recordable in the office of the Register of Deeds of Midland County and shall state the amount at which the property would have been assessed if it had not been exempted. No such trust deed or assignment shall deprive the owner of the property to whom tax exemption is granted of his right to freely occupy and use the property, but shall give the city, in the event that the ownership of such property is transferred to another in any manner whatsoever, such an interest therein as will provide for the payment to the city of an amount equal to all taxes, exclusive of interest, penalties, and collection fees, which would have been levied by the city against the property of such owner had the exemption not been granted.

### **Sec. 12.4. Assessment.**

Unless otherwise provided by state law, the first day of April in each year shall be the assessment day for both real and personal property in the city. Assessment shall be based upon the uniform application of established rules, techniques, and procedures.

Editor's note--The date of tax day was changed to January 1 by Ordinance No. 352, adopted December 7, 1949. By Ordinance No. 503, adopted August 5, 1959, tax day was changed to December 31. Ordinance No. 503 appears as section 2-1 of the Code of Ordinances of the City

of Midland. Public Act No. 288, passed in 1966, (M.S.A., § 7.2) changed the date of tax day to December 31.

**Sec. 12.5. Time for making assessment rolls.**

Prior to the first meeting of the Board of Review in each year, the Assessor shall make and complete an assessment roll in the manner and form provided in the general tax law of the state.

**Sec. 12.6. Valuing of real and personal property.**

Said Assessor shall estimate, according to state law, the value of every parcel of real property and set the same down opposite such description. He shall also estimate the value of all taxable personal property of each person and set the same down opposite the name of such person. Except in the case of uniform general increases in property assessments, in which cases notice shall be given by publication, the Assessor shall give notice by first class mail, not less than ten (10) days before the first meeting of the Board of Review, of any change in the assessment of any property to the owner thereof of record according to the last assessment roll of the city addressed to the address of such owner shown on such roll, but the failure on the part of the Assessor to give any such notice or of any such owner to receive any such notice shall not invalidate any assessment roll of the city or any assessment thereon.

**Sec. 12.7. Board of review.**

The Board of Review shall be appointed by the Council and shall be comprised of three (3) persons who are taxpayers to the city and have been residents of the city for not less than three (3) years. In the first instance, the full Board shall be appointed, one (1) to serve for a term of one (1) year, one (1) to serve for a term of two (2) years, and one (1) to serve for a term of three (3) years. Thereafter, the Council shall, annually in the month of April, appoint one (1) member of the Board to serve for the full term of three (3) years.

State law reference(s)--Charter to provide for board of review, M.S.A., § 5.2073(a).

**Sec. 12.8. Meeting of board of review.**

The Board of Review shall meet in two sessions in each year at such place as shall be designated by the Council. The first session of the Board shall convene on the second Monday in May of each year and shall continue in session from day to day for the purpose of considering and correcting the roll for three (3) days, and as much longer as may be necessary. In each case where the assessed value is increased or any property added to the rolls by the Board, the secretary shall, forthwith, give notice to the owners thereof according to the last assessment roll of the city by first class mail placed in the Midland Post Office not later than midnight of the Thursday following the first meeting of the Board. The second session of the Board shall convene on the third Monday of May of each year and shall continue in session for one (1) day and as much longer as may be necessary. The Board shall remain in session during such hours as the Council may designate.

Editor's note--Date of first session of Board of Review was initially changed by Ordinance No. 352, adopted December 7, 1949. Cities may, pursuant to Act No. 285, Public Acts 1949 (M.S.A., § 7.2 et seq.) set the date the Board of Review meets to review the assessment roll.

**Sec. 12.9. Notice of meeting.**

The Clerk shall give notice to the public of the time and place of the meeting of the Board of Review by publication at least once not less than ten (10) days immediately preceding such meeting and in the manner authorized by Section 5.11 of this charter.

**Sec. 12.10. Organization and functions of the board of review.**

On the first day of its meeting in each year, the Board of Review shall elect one of its members chairman. The Assessor shall be secretary of the Board and shall attend its meetings with the privilege of participating therein, but without the right to vote upon any decision of the Board. It shall be the duty of the Assessor to keep a permanent record of all proceedings, and to enter therein all resolutions and decisions of the Board. A majority of the members of the Board shall constitute a quorum. The members of said Board shall take the constitutional oath of office which shall be filed with the Clerk. For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the general tax law conferred upon and required of boards of review in townships, in reviewing assessments in townships for township, state, and county taxes. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed, or omitted from the roll, the Board shall correct the roll in such manner as it shall deem just. In all cases, the assessment roll shall be reviewed according to the facts existing on the assessment day and no change of the status of any property after said day shall be considered by the Board in making its decision. Except as otherwise provided by state law, no person other than the Board of Review shall make or authorize any change upon or additions or corrections to the assessment roll.

**Sec. 12.11. Endorsement of roll; validity.**

After the Board shall have completed its review of the assessment roll, a majority of its members shall immediately endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The commission of such endorsement shall not affect the validity of such roll. Upon the completion of said roll and from and after midnight following the last day of the meeting of the Board of Review, the same shall be the assessment roll of the city for county, school, and city taxes and for any other taxes on real and personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the state.

**Sec. 12.12. Clerk to certify tax levy.**

Within three (3) days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general tax; all amounts of special assessments which the Council requires to be assessed or reassessed upon any property or against any person; and all other amounts which the Council may determine shall be charged, assessed, or reassessed against any person or property.

**Sec. 12.13. City tax roll.**

After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised as provided in the preceding section, the Assessor shall proceed forthwith to spread upon said tax roll the several amounts determined by the Council to be charged, assessed, or reassessed against persons or property; and shall also proceed to spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by state law. Any excess created thereby on any tax roll shall belong to the city.

**Sec. 12.14. Tax roll certified for collection.**

After extending the taxes aforesaid and not later than the first day of July in each year, the Assessor shall certify said tax roll, and the Mayor shall annex his warrant thereto, directing and

requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax assessment, and granting to him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the powers and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

**Sec. 12.15. Taxes lien on property.**

The city taxes thus assessed shall become at once a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount, upon all personal property of the persons so assessed from and after the first day of July in each year and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment, or otherwise, and whether arising before or after the assessment of said personal taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

**Sec. 12.16. Notification of taxes due.**

The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall give notice to the taxpayers of the city, at least ten (10) days prior to the first day of July in each year, of the time when said taxes will be due for collection by publication, at least once, in one or more of the newspapers published and circulated in the city, and as soon as practicable after receipt of the tax roll, shall forward a statement of taxes due by first class mail addressed to the several owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said tax roll. Failure on the part of the Treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this chapter in case of nonpayment of the same.

**Sec. 12.17. Tax payment schedule.**

City taxes shall be due on the first day of July of the year when levied. All taxes paid on or before the 15th day of September, shall be collected by the Treasurer without additional charge. The Treasurer shall add to all taxes paid after such 15th day of September, a four (4) per cent collection fee. Such added collection fees shall belong to the city and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

**Sec. 12.18. Apportioning of tax on portion of taxed item.**

Any person owning an undivided share or other part of any parcel of real property, assessed in one description, may pay on the share or part thus owned by paying an amount having the same relation to the whole tax as the value of the part on which payment is made has to the value of the whole parcel. The person making such payment shall accurately describe the part or share on which he makes payment and the receipt given and the record of the receiving officers shall show such description and by whom paid; and in case of the sale of the remaining part or share, for nonpayment of taxes, he may purchase the same in like manner as any disinterested person. The values above referred to shall be determined upon the request of any interested party by the Assessor, who, before making such determination, shall set a time for

hearing and shall notify the interested parties by first class mail at their last known addresses, such notice to be mailed at least ten (10) days before the hearing.

**Sec. 12.19. Tax roll to county treasurer.**

Any taxes on the city tax roll which remain unpaid on the first day of March following the date when said roll was received by the Treasurer shall be returned to the county treasurer in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges and fees hereinbefore provided, which charges and fees shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the state and shall be and remain a lien upon the lands against which they are assessed, until paid.

**Sec. 12.20. Protection of city lien.**

The city shall have power to acquire by purchase any premises within the city at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner, when such purchase is necessary to protect the lien of the city for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same for the purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the city in the protection of its tax lien shall be deemed to be for a public purpose.

**Sec. 12.21. State, county and school taxes.**

For the purpose of assessing and collecting taxes in the city for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of state law relative to the collection of such taxes and the fees to be paid therefor, the accounting therefor to the appropriate taxing units, and the returning of property to the county treasurer for nonpayment thereof shall apply to the performance thereof by the Treasurer, who shall perform the same duties and have the same powers as township treasurers under state law. So long as school taxes or any part thereof are collected at the same time as city taxes, they shall be collected subject to the same privileges and conditions as city taxes under the provisions of this charter.